

AMENDED IN ASSEMBLY JUNE 10, 2013

AMENDED IN SENATE APRIL 8, 2013

**SENATE BILL**

**No. 109**

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**Introduced by Senator Corbett**

January 14, 2013

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*An act to amend Section 35110 of, and to add Section 35405 to, the Vehicle Code, relating to vehicles. An act to add Section 5385.7 to the Public Utilities Code, and to add Article 3.4 (commencing with Section 27375) to Chapter 5 of Division 12 of the Vehicle Code, relating to charter-party carriers.*

LEGISLATIVE COUNSEL'S DIGEST

SB 109, as amended, Corbett. ~~Vehicles: aerodynamic devices.~~ Charter-party carriers: limousines: emergency exits.

(1) *The Passenger Charter-party Carriers' Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission, and imposes various other requirements. Existing law imposes certain penalties for violation of the act. The act also defines a "limousine" for these purposes and imposes specified requirements applicable only to the operator or driver of a limousine. Existing law imposes various additional requirements on the operator of a limousine for hire. A violation of these requirements is a crime.*

*This bill would prohibit any person from operating a limousine in any city, county, or city and county, unless the limousine is equipped with at least 2 rear push-out windows, at least one which is located on each side of the vehicle and at least 2 rear side doors, at least one which*

located on each side of the vehicle, that are accessible to all passengers and that may be opened manually, as specified.

The bill would apply these provisions to limousines manufactured on or after January 1, 2015, and, beginning January 1, 2016, to all vehicles remanufactured or modified as limousines and to all vehicles that were originally manufactured as limousines prior to January 1, 2015. The bill would require an owner or operator of a limousine to instruct all passengers on the safety features of the vehicle prior to the beginning of any trip and to disclose whether the limousine meets the safety requirements described in this bill.

(2) Because the bill would create new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law limits the length of vehicles and combinations of vehicles coupled together. Under existing law, any extension or device used to increase the carrying capacity of a vehicle is generally included in measuring the length of a vehicle, subject to certain exceptions.~~

~~This bill would exclude an aerodynamic device, as defined, that extends no more than 5 feet beyond the rear of a vehicle from the calculation of a vehicle's length if the device meets specified conditions, including that the device does not obscure tail lamps, turn signals, marker lamps, identification lamps, or any other required safety devices.~~

~~Existing law limits the width of a vehicle to no more than 102 inches, with certain exceptions, including that a vehicle may have an aerodynamic device, as defined, that extends up to 3 inches beyond each side of the vehicle. Existing law prohibits an aerodynamic device from adversely impacting the vehicle's swept width and turning characteristics.~~

~~This bill would instead prohibit an aerodynamic device from affecting the vehicle's turning radius, as defined, or interfering with the vehicle's ability to complete a turn.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 5385.7 is added to the Public Utilities*  
2     *Code, to read:*

3     *5385.7. A charter-party carrier shall not operate a limousine,*  
4     *as defined by Section 5371.4, unless the limousine is equipped*  
5     *with emergency exits at the rear of the vehicle as required pursuant*  
6     *to Article 3.4 (commencing with Section 27375) of Chapter 5 of*  
7     *Division 12 of the Vehicle Code. The commission shall adopt rules*  
8     *to implement this section.*

9     *SEC. 2. Article 3.4 (commencing with Section 27375) is added*  
10    *to Chapter 5 of Division 12 of the Vehicle Code, to read:*

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12     *Article 3.4. Emergency Exits for Charter-Party Carriers of*  
13     *Passengers*  
14

15     *27375. (a) Any person who operates a limousine, as defined*  
16     *in subdivision (i) of Section 5371.4 of the Public Utilities Code,*  
17     *in any city, county, or city and county shall ensure that the vehicle*  
18     *has at least two rear side doors and two rear windows that the*  
19     *rear seat passengers, or all passengers of the vehicle if a partition*  
20     *separates all of the passengers from the driver, may open from the*  
21     *inside of the vehicle in case of any fire or other emergency that*  
22     *may require the immediate exit of the occupants of the vehicle. A*  
23     *limousine subject to this section shall be equipped with both of the*  
24     *following:*

25     *(1) At least two rear push-out windows that are accessible to*  
26     *all passengers. At least one push-out window shall be located on*  
27     *each side of the vehicle. Each push-out window shall be releasable*  
28     *by operating no more than two mechanisms and allow manual*  
29     *release of the push-out window by a single occupant. For*  
30     *mechanisms that require rotary or straight (parallel to the*  
31     *undisturbed exit surface) motions to operate the release, no more*  
32     *than 20 pounds of force shall be required to release the push-out*  
33     *window. For push-out windows that require a straight motion*  
34     *perpendicular to the undisturbed surface of the push-out window,*  
35     *no more than 60 pounds shall be required to release the push-out*  
36     *window. The push-out windows shall comply with any applicable*  
37     *federal safety standards as deemed necessary by the Department*  
38     *of the California Highway Patrol.*

(2) At least two rear side doors that are accessible to all passengers and that may be opened manually by any passenger. At least one rear side door shall be located on each side of the vehicle. At least one of these side doors shall be located near the driver's compartment and another near the back of the vehicle. The mechanism for releasing these side doors shall not be subject to being disabled by the driver. These side doors shall comply with any applicable federal safety standards as deemed necessary by the Department of the California Highway Patrol.

(b) An owner or operator of a limousine shall do both of the following:

(1) Instruct all passengers on the safety features of the vehicle prior to the beginning of any trip.

(2) Disclose to the contracting party and the passengers whether the limousine meets the safety requirements described in this section.

(c) (1) Subdivision (a) shall apply to all vehicles manufactured as limousines on or after January 1, 2015.

(2) Subdivision (a) shall, beginning January 1, 2016, apply to all vehicles that were remanufactured or modified as limousines and to all vehicles that were originally manufactured as limousines prior to January 1, 2015.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SECTION 1. ~~Section 35110 of the Vehicle Code is amended to read:~~

~~35110. (a) Door handles, hinges, cable cinchers, chain binders, aerodynamic devices, and holders for the display of placards warning of hazardous materials may extend three inches on each side of the vehicle.~~

~~(b) (1) For purposes of this section, "aerodynamic device" means a device that uses technologies that minimize drag and improve airflow over an entire tractor-trailer vehicle. These include~~

1 gap fairings that reduce turbulence between the tractor and trailer,  
2 side skirts that minimize wind under the trailer, and rear fairings  
3 that reduce turbulence and pressure drop at the rear of the trailer.  
4 An aerodynamic device shall not have the primary purpose of  
5 advertising and shall not affect the vehicle's turning radius or  
6 interfere with the vehicle's ability to complete a turn.

7 (2) As used in paragraph (1), "turning radius" means the angle  
8 that the tractor can rotate relative to the trailer while completing  
9 a turn.

10 SEC. 2. Section 35405 is added to the Vehicle Code, to read:

11 35405. (a) An aerodynamic device that extends no more than  
12 five feet beyond the rear of a vehicle shall not be included in  
13 measuring the length of the vehicle or combination of vehicles, if  
14 both of the following conditions are met:

15 (1) The device does not have the strength, rigidity, or mass to  
16 damage a vehicle, or injure a passenger in a vehicle, that strikes  
17 the vehicle equipped with the device from the rear.

18 (2) The device does not obscure tail lamps, turn signals, marker  
19 lamps, identification lamps, or any other required safety devices,  
20 including, but not limited to, hazardous materials placards or  
21 conspicuity markings.

22 (b) For purposes of this section, "aerodynamic device" has the  
23 same meaning as defined in Section 35110.